



Senate

General Assembly

January Session, 2013

File No. 685

Senate Bill No. 1141

Senate, May 2, 2013

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE DESECRATION OF PROPERTY LOCATED IN A CEMETERY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-218 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) A person is guilty of interference with a cemetery or burial
4 ground when [he] such person, without authorization of the owner of
5 the burial lot [, or a lineal descendant of the deceased,] or of the
6 municipality, cemetery association or person or authority responsible
7 for the control or management of the cemetery or burial ground: (1)
8 Intentionally destroys, mutilates, defaces, injures or removes any
9 tomb, monument, gravestone or other structure placed or designed for
10 a memorial of the dead, or any portion or fragment thereof, or any
11 fence, railing, curb or other enclosure for the burial of the dead, in or
12 from any cemetery or burial ground; or (2) wantonly or maliciously
13 disturbs the contents of any tomb or grave in any cemetery or burial
14 ground.

15 (b) Interference with a cemetery or burial ground is a class C felony
16 and any person found guilty under this section shall be fined not less
17 than five hundred dollars.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2013</i>	53a-218
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JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes changes to who may authorize the desecration of property located in a cemetery by eliminating the authority of lineal descendants. There is no fiscal impact as there have been no convictions or revenue under this statute for the past five years.

The Out Years

State Impact: None

Municipal Impact: None

Sources: Judicial Department Offenses and Revenue Database

OLR Bill Analysis**SB 1141*****AN ACT CONCERNING THE DESECRATION OF PROPERTY
LOCATED IN A CEMETERY.*****SUMMARY:**

This bill limits who may authorize the desecration of property located in a cemetery. It does so by eliminating the ability of lineal descendants of the deceased to authorize a person to:

1. intentionally destroy, mutilate, deface, injure, or remove all or part of a (a) tomb, (b) monument, (c) gravestone, or (d) other structure placed or designed for a memorial of the dead, or any fence, railing, curb, or other enclosure for the burial of the dead, in or from any cemetery or burial ground or
2. wantonly or maliciously disturb the contents of any tomb or grave in any cemetery or burial ground.

The law, unchanged by the bill, allows the owner of the burial lot or the municipality, cemetery association, or person or authority responsible for the control or management of the cemetery or burial ground to authorize such activities. Performing these activities without authorization is a class C felony punishable by a fine of at least \$500.

A lineal descendant is a person who has a direct line of relationship to an ancestor (e.g., children, grandchildren, great-grandchildren).

EFFECTIVE DATE: October 1, 2013

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 44 Nay 0 (04/16/2013)